

37. (Amended) A method of implanting a catheter into a patient comprising the steps of:

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straightening the catheter with a stylet inside of the catheter;
inserting a distal end of the straightened catheter through an entrance incision into a peritoneal cavity of the patient while directing the straightened catheter downward;
removing part of the stylet from the catheter while advancing the catheter into the peritoneal cavity until the distal end is located in a lower area of the peritoneal cavity and a distal implant cuff is seated in a rectus muscle of the patient;
rotating a portion of the stylet and catheter outside of the patient downward and a portion of the stylet and catheter inside of the patient upward and placing a patient inflow section of the catheter in an upper portion of the peritoneal cavity;
pulling the catheter through a subcutaneous tunnel having an exit site below the entrance incision.

REMARKS

The Office Action was issued on pending claims 1-37, all of which were rejected. In this response, claims 36 and 37 have been amended and no claims have been added or canceled. In a preliminary amendment submitted on February 13, 2002, claims 38-115 were added. Accordingly, claims 1-115 are pending in the case, although the Office Action only addresses claims 1-37.

In Office Action paragraph 1, claims 1 and 3-36 were rejected under 35 U.S.C. § 102(b) as being anticipated by Zakko, U.S. Patent No. 5,527,274. In Office Action paragraph 2, claim 37 was rejected under 35 U.S.C. § 102(b) as being anticipated by Moncrief et al. U.S. Patent No. 5,057,075. At page 8 of the Office Action in an un-numbered paragraph, claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Zakko in view of Moncrief et al. Applicants respectfully traverse the rejections.

Initially, Applicants' claims relate to dialysis catheters and methods of using and implanting the catheters. Applicants' dialysis catheters can be implanted in the peritoneal cavity of a patient to perform peritoneal dialysis. In use, peritoneal dialysis solution is circulated through the dialysis catheter and into the patient's peritoneal cavity to remove toxins. Toxins and excess water pass from the patient's blood through the peritoneal membrane and into the dialysis solution forming waste laden dialysis solution. The waste laden dialysis solution is